



CITY OF DANBURY
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MINUTES
JANUARY 8, 2013

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The meeting was called to order by Chairman Robert Melillo at 7:30 PM.

Present were Sally Estefan, Walter Hoo Jr., Rick P. Jowdy, Alan Kovacs, Marina Loyola (arrived at 7:40PM), Robert Melillo, Terry Tierney and Alternates Kevin Haas and Elmer Palma. Also present was Planning Director Dennis Elpern.

Absent were Theodore Haddad Jr. (due to family emergency), James Kelly and Alternate Robert Oravetz (out of town on business).

He then asked Mr. Haas to take Mr. Haddad's place and Mr. Palma to take Mr. Kelly's place for the items on tonight's agenda.

Mr. Kovacs led the Commission in the Pledge of Allegiance.

Mr. Haas made a motion to table the acceptance of the December 11, 2012 minutes. Mr. Kovacs seconded the motion and it was passed unanimously.

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PUBLIC HEARING:

7:30 PM – Petition of First-Cut Holdings, LLC, Sawmill & Turner Rds. (Portion of #A17001) for Change of Zone from IL-40 to RMF-6.

Mrs. Estefan read the legal notice. Chairman Melillo started to read the Planning Dept. staff report dated January 8, 2013; but Mr. Elpern asked him to stop because he had the wrong copy. He excused himself to go downstairs to his office and get the correct copy. At 7:50 PM, Mr. Kovacs made a motion to take a five minute recess. Mrs. Estefan seconded the motion and it was passed unanimously. Chairman Melillo called the meeting back to order at 8:00 PM, when Mr. Elpern returned to the meeting. The correct staff report was not found and Mr. Elpern said they would have it for the next meeting.

Attorney Paul Jaber spoke in favor of this petition. He said with him this evening are Gary Michael Jr., Rich Mancuso, Project Engineer Benjamin Doto, and Traffic Engineer Chris Banetini.

Attorney Jaber said the main principal in First-Cut Holdings is Gary Michael Sr. This is a thirteen acre parcel on the corner of Sawmill and Turner Rds. He distributed a presentation summary, which was labeled exhibit A and a set of reduced copies of the maps, which was labeled exhibit B. He said the staff report lays out all the issues, but he was still going to go over them again. He said the original site contained 275 acres which was owned by Richardson-Vicks. Only a portion of the property was located in Danbury, 125 acres were in New York State and 95 acres were in Ridgefield. The Ridgefield portion was later rezoned to residential and became a cluster development. All of the acreage in CT was zoned industrial. In 1984, Novo Labs bought 48 acres and built a building. They left in 2000 and it was vacant for a while. Belimo bought it and recently got approval to build a new office building. Belimo has torn down the Novo Labs building on the 35 acres they own, so it is presently vacant. First Cut owns the remaining 13 acres, which is also vacant. At one time, Turner Rd. was located entirely in Ridgefield, but it has been relocated so most of it is in Danbury now. Belimo has also brought in water and sewer to this area.

He then referred to the land use map from the Plan of Conservation & Development and said that this land is all that is left between the PND zone and the Town of Ridgefield, so they feel it should be treated the same as the PND. All of the land south of I-84 and west of Ridgebury Rd. with the exception of the 100 acres that the Matrix owns, is zoned PND. Although the Reserve is a mixed use development, the Master Plan for the Reserve has all of the land on Sawmill Rd. proposed to be developed residentially. The applicant tried to do the same thing with this parcel, by selling the piece on the west to Belimo and proposing residential on this front parcel. He then read a letter from Belimo stating that they were aware of this plan even before they bought their parcel. He then said although there are some industrial uses on Sawmill Rd., you can't see the buildings. The entire streetscape from Exit 1 to the heart of Ridgefield appears to be residential although it is a mix of housing and office buildings. He said the applicant's plan is to build just seventy units, no more. Their intent is for these units to blend with the Crown Point development at the Reserve. A large portion of this parcel is wetlands, which will not support development and will be preserved and kept as woods.

Attorney Jaber then said if this parcel is not re-zoned, the owner will try to sell the property. By re-zoning it, the City will know what will end up there; the known is always better than the unknown. He then read the list of permitted uses in IL-40 pointing out the undesirable ones. He then referred to the previously submitted exhibit, pointing out the vacancy rate in Danbury for office buildings. He said there is a great deal of office space available in Danbury and it has been this way for many years. The reverse is true of residential development in Danbury. There is always a demand for new housing, especially since much of the existing housing stock is over fifty years old. Chairman Melillo asked if the pumping station will remain zoned IL-40. Attorney

Jaber said it and the roadway will stay industrial, specifically to allow access to the Belimo site.

Mr. Elpern asked Mr. Doto to keep his description of the site plan brief. Mr. Doto said it is only a feasibility plan, meant to show the kind of development this parcel can support if rezoned. Mr. Elpern said his concern is that site plans can always change and they are not the purview of this Commission. He does not want them to think that is what will end up there because they saw a site plan. Chairman Melillo reiterated that this Commission does not deal with site plans. Mr. Doto said this concept plan shows that the five-to-six acres located in the center is best development area. The proposal is for two apartment buildings of 35 units each with scattered parking. He showed the Commission an architectural rendering prepared by Maura Newell Juan saying that this design is similar to Crown Point and compatible with the neighborhood.

Chris Granatini, the Traffic Engineer from Tighe & Bond spoke next. He said they had submitted a brief traffic statement to give the Commission an idea of what kind of traffic this would bring to this area. He said Tighe & Bond has been involved at length with the development at the Reserve, so they are very familiar with this area. He said the seventy units would result in an additional 49 trips in the AM and 50 in the PM. The residential use is a low traffic generator especially compared to an office building which would double those numbers. Mr. Kovacs asked if this would necessitate a traffic light on Sawmill Rd. Mr. Granatini said no, there is such a low volume of traffic heading out of Turner Rd. that it does not appear to be necessary. Mr. Hoo asked if the school buses would go into the development or would there be a stop on Turner Rd. Mr. Doto said if the development owner gives the bus company permission, they can enter the site to pick up the kids. Chairman Melillo asked if they factored in the additional trips that Belimo will add. Mr. Granatini said this study was prepared by using the approved plans and traffic study for the Belimo site. Mr. Kovacs added that Belimo staggers its shifts so the employees are traveling during the peak hours.

Chairman Melillo asked if there was anyone to speak in opposition and there was no one.

Mr. Elpern apologized for not speaking up sooner and said regarding the zone of Turner Rd., the Regulations prohibit accessing commercial property via residential property. The applicant gets around this by keeping Turner Rd. zoned IL-40. He said also, it is quite clear in the Plan of Conservation & Development that this property was designated for industrial use. He does take issue with Attorney Jaber picking out the terrible uses allowed in IL-40, and then only the desirable ones in the proposed zone. He said it is not right to make the argument that just because this abuts the PND zone, it should be developed in the same way. He added that this is not the only property that abuts the PND. He said this is not an easy property to develop, but there are no easy to develop properties left in Danbury. He said all of the Commission needs to weigh all of these factors when making this decision

Chairman Melillo offered Attorney Jaber to chance for rebuttal comments. Attorney Jaber said he would leave it for the next meeting.

Mrs. Estefan made a motion to continue the public hearing. Mr. Jowdy seconded the motion and it was passed unanimously.

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Chairman Melillo said there was nothing under Old Business or New Business. The only item under Correspondence was the regular meeting schedule for 2013. Chairman Melillo said the secretary sends it out twice so all of the members should know when the meetings are. He said the only thing listed under For Reference Only is a public hearing scheduled for January 22, 2013. He then said that although it is not listed under Other Matters, he wanted the Commission to know that he and Mr. Haddad have not yet had a meeting regarding the issues brought up by Richard Hunt at the December meeting. He said now that everyone is back at work from the holidays; he will get it set up and report back to them hopefully at the next meeting.

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At 9:27 PM, Mr. Kovacs made a motion to adjourn. Mr. Palma seconded the motion and it was passed unanimously.